

Filed: December 11, 2006  
Staff: Trevor Parker  
Staff Report: February 12, 2007  
Commission Hearing Date: February 21, 2007  
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2005-02a

APPLICANT (S): Rolf Rheinschmidt

AGENT: NA

PROJECT LOCATION: 15 Berry Road

PROJECT DESCRIPTION: Modification of Design Review and Coastal Development Permit approval for a new residence to add an 8' x 20' solarium within the footprint of a previously approved deck and to modify the roofline of the previously approved garage.

ASSESSOR'S PARCEL NUMBER: 515-331-47

ZONING: SR – Suburban Residential

GENERAL PLAN DESIGNATION: SR – Suburban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15303 of the CEQA Guidelines exempting new construction of small structures, including single-family homes on residentially zoned property.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project \_\_\_\_ is **X** is not appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The property is located on the north side of Berry Road, just east of Frontage Road. Access to the site is provided from Berry Road. The site is bordered by Frontage Road on the west, vacant parcels to the east and north and Berry Road and Trinidad Living Christian Assembly to the south. The previously vacant lot is 1.08 acres (47,045 sq. ft.). The property has a variety of trees and shrubs growing on it, including redwood, Douglas fir, Sitka spruce and red alder. The site has already been cleared and the previously approved home placed on site. The building site itself is flat, but the lot gradually slopes off to the north. Just west of the property, the land drops steeply off to Frontage road. The site contains a significant amount of fill from past logging and road building, including Hwy 101, some of which has been removed.

## **STAFF COMMENTS:**

This project site was part of a major lot line adjustment and annexation that was completed in 1989. As part of the lot line adjustment, a development plan for the parcels was approved, including building sites and septic system layouts. As conditioned, the previously approved project was consistent with that development plan, as are the proposed modifications.

The applicant received Planning Commission approval (Design Review and Coastal Development Permit) in February 2005 for the construction of a new 1,960 sq. ft., 3-bdrm manufactured home on the property, along with an attached garage, deck, utilities and a septic system on a vacant lot. In August 2006, the applicant submitted amended building plans to construct the garage as a detached building approximately 20 feet to the northwest of the previously approved, attached garage structure. Because the lot is not in an area where views would be affected, and the building profile was not being changed, planning staff administratively approved that change. Then, in November 2006, the applicant submitted another amendment to the plans to the Building Official, who referred the changes to planning staff. These changes included an alteration in the roofline and height of the garage to improve aesthetics and the addition of a solarium within the footprint of the approved deck. Because the changes will alter the external profile of the structures, just as if it came in when there was no active building permit, staff determined that this project requires Design Review approval.

The previously approved project included several conditions, which still apply to the original project. The only condition that would be different for this amendment would be condition number 9 that restricted the building height to 20 feet as shown on the original plans. The modified garage that is the subject of this approval is proposed with a height of 24 feet, 3 inches. A condition reflecting this change has been included as part of this staff report.

## **ZONING ORDINANCE/GENERAL PLAN CONSISTENCY**

The property where the project is located is zoned SR – Suburban Residential. The purpose of this zone is to allow relatively sparse residential development; single-family residences are

a principally permitted use. The minimum lot size allowed in the UR zone is 20,000 sq. ft. (§ and the maximum density is one dwelling per 20,000 sq. ft. The property is approximately 47,000 sq. ft.

The original site plan approved by the Planning Commission included a 1-story, single-family residence with an attached, but freestanding garage with a workshop on the east side of the house. The floor area of the previously approved, 3-bedroom, manufactured home, as defined by Zoning Ordinance §17.08.310, was 1,960 sq. ft. This square footage included the 288 sq. ft. of workshop area in the 2-car garage, the remainder of which was 576 sq. ft.

The currently proposed garage is a detached structure of the same footprint, but located somewhat northeast of the originally proposed location. The current plan does not show a separate workshop area, but does indicate that there will be an attic with this design. The proposed garage is a total of 864 sq. ft (not including attic space). Without the 288 sq. ft. workshop, this would reduce the residential square footage to just the main residence of 1,674 sq. ft. The proposed solarium then, will add 160 sq. ft. to this floor area for a total of 1,843 sq. ft. It will be located on the west side of the house within the footprint of the previously approved 568 sq. ft. of uncovered deck. Please refer to the table below for a summary of the square footages.

The previously approved structure had a maximum building height of 20 feet, and was conditioned as such. The currently proposed garage has a height of 24 feet, 3 inches. According to the building plans the upper area of the garage will be attic space, which has not been included in the residential square footage of the house. If this space were to include any type of residential use, other than storage, such as a workshop or office space, it should be included in the total square footage of the residence. The applicant may provide further clarification at the meeting. Otherwise, a proposed condition of approval has been included that the garage may not be used for residential space without further approval by the Planning Commission. The stated purpose of the changes is to improve the aesthetics of the building, which will be visible from the street.

**TABLE 1 - AREAS**

	Proposed
LOT AREA	<b>47,045</b>
FLOOR AREA	
Main residence	1,674
Solarium	160
<b>Total Residence</b>	<b>1,834</b>
OTHER	
2-car Garage	864
FOOTPRINT (w/ garage)	2,698 s.f.
FLOOR TO LOT AREA RATIO*	

<b>Residence</b>	<b>3.9%</b>
<b>Total Footprint</b>	<b>5.7%</b>

\* Note that in the SR zone, the standard maximum FAR would be 10% for a 2,000 sq. ft. house on a 20,000 sq. ft. lot.

Zoning Ordinance §17.56.090 limits accessory structures in Urban Residential (UR) and Suburban residential (SR) zones to a maximum of 15 feet in height. However, planning staff and the Planning Commission made a determination in 1999 that garages are not accessory structures, but are an integral part of the main residence. The staff report for that determination (in association with the approval of a new residence) included the following explanation:

*The other point addressed in the Building Official's letter is in regards to the detached garage, which is approx. 23' tall. Discussion with the applicant's agent, the Building Official, and the City Planner centered around the detached garage / office structure, and whether it was considered part of the main residence, or an accessory structure. Zoning Ordinance §17.56.090 requires that accessory structures be limited to 15' in height. Furthermore, design review is not required for accessory structures which are less than 15' in height and 500 sq. ft. Since this is the first project which has come forth proposing a detached garage / structure, some interpretation of the City's Zoning Ordinance language needed to occur.*

*The City's Zoning Ordinance does not define garages as accessory structures, though sometimes jurisdictions to find them as such. The interpretation that I would present to the Planning Commission, which will set forth future interpretation, is that detached garages, guest rooms, offices and other types of rooms utilized for "occupancy" would be considered part of the main use of the building. Accessory structures would therefore include sheds, greenhouses, etc. There are two reasons that I suggest this, which are actually part of the interpretation. The first reason is in consideration of the application before you. There is no specific reason to support that [the] garage structure should be limited to 15'. Architecturally, this would look different than the architecture used for the main building. The other concern is how detached garages are defined for the remainder of properties in town within the UR or SR Zoning designations. If detached garages are accessory structures, then as long as they are less than 15' tall, they can be constructed or remodeled up to 500 sq. ft. (20' x 25') in area on any property, without requiring Design Review (§17.60.030). If these detached garages were considered part of the primary residence, then when proposed, would require Design Review, which would then require sewage disposal issues to be addressed.*

*For the above reasons, I am finding that the detached garage is part of the main residence and as such meets the building height restriction of 25 feet.*

The Planning Commission at the time agreed with staff's analysis and approved the project, setting policy for such projects in the future. The issue does not come up very often, as most garages are attached to the primary residence. It makes sense that garages are treated the same whether they are attached or detached from the main structure. Consistent with previous approvals, the proposed garage is not an accessory structure as defined in the

Zoning Ordinance (§17.08.690 – *Accessory structure means a detached building or structure, the use of which is accessory to the use of the lot*) subject to the height limitation of 15' in §17.56.090. As part of the main residence, the garage is still subject to the maximum building height of the SR Zone, which is 25 feet (§17.28.070). Having said this, the Planning Commission can discuss a different interpretation / policy for this and future projects.

The Suburban Residential zone (§17.36.050) requires minimum yards of front 30', rear 20', and side 10' (§ 17.36.060). The parcel faces Berry Road to the south. The plot plan indicates that the yard requirements will be met. Section 17.56.110 allows eaves and overhangs to extend 2.5' into side yards and 4' into front, street-side and rear yards. Decks and stairways, landings, balconies and uncovered porches are allowed to extend up to eight feet into front, rear or street-side yards and three feet into side yards. All of these setbacks are proposed to be met by the proposed project.

The maximum height allowed in the UR zone, by Zoning Ordinance § 17.36.06 (average ground level elevation covered by the structure to the highest point of the roof), is 25 feet, except that the Commission may require a lesser height in order to protect views (§17.27.070). The maximum height, as shown on the plans, of the proposed structure, as defined by the Zoning Ordinance, is 24'-3".

The Zoning Ordinance (§ 17.56.180) requires 2 off-street parking spaces other than any garage spaces. There is ample room for two parking spaces in the driveway shown on the plot plan (§17.56.180). A new, 3-bdrm septic system has been approved by the Health Department to serve the project. No additional bedrooms are proposed. The previous approval included a condition that a deed restriction indicating the number of bedrooms had to be recorded, which is still a requirement.

The Trinidad General Plan and Zoning Ordinance protects important public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. The project is not readily visible from any public viewpoints or any residences located upslope.

Significant grading and excavation was required for this project, but has already been completed. As conditioned in the previous approval a drainage and grading plan in accordance with the City's grading ordinance (Chapter 15.16 of the Municipal Code) was required. Exterior materials and colors as stated on the plans will be hardiplank lap siding and a satin finish in earth tones. The roof material appears to be composite shingles.

## **SLOPE STABILITY:**

The project site is not mapped as being unstable or of questionable stability on Plate 3 of the General Plan. The northern portion of the lot, approximately within the 100' creek setback, is mapped as being of questionable stability; the building site is outside of this area. However, there are steep slopes just to the west of the building site. A Geologic Report (Walter B. Sweet, April 15, 1998) was required as part of the previous lot line adjustment, and this project is subject to the recommendations of that report, which was already made a condition

of approval as part of the previous project. Also, the project site falls within the Alquist-Priolo Fault Hazard Special Study Zone. However, single-family, wood-frame dwellings not exceeding 2-stories are exempt from the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, and no additional studies are required.

### **SEWAGE DISPOSAL:**

The proposed septic system layout has been shown on the plot plan. A condition of approval was included in the previous approval that an approved permit from the Humboldt County Environmental Health Department for a 3-bedroom septic system and reserve area will be required. A half-bath is proposed on the northwest side of the garage. This was already approved by the Planning Commission as part of the previous application. The City's standard condition of approval for requiring a deed restriction limiting the number of bedrooms on the property without further approval of adequate sewage disposal was included in the previous approval.

### **LANDSCAPING AND FENCING:**

Some vegetation removal was included as part of the previous approval in order to clear space for the proposed improvements. Site clearing has already been completed.

The project site is identified in the General Plan Environmental Conditions and Constraints document as an area potentially containing a rare plant (*Dichondra donnelliana*). A condition of approval for the previous lot line adjustment states that *"at the time residential development is proposed, an applicant is required to submit a report prepared by a qualified biologist indicating the potential for impacts to the rare plants on the property as identified in the City's General Plan and any measures necessary to reduce those impacts to less than significant."* Policy 16 of the City's General Plan states in part: *"development should be reviewed to ensure that all reasonable means have been considered to protect any existing rare plants."* After further review of the potential for rare plants, staff determined that a biological report should not be required and the Planning Commission previously agreed with staff's analysis. The rare plant identified as potentially occurring in the project area is no longer on CA Dept. of Fish and Game's Threatened or Endangered plant list, nor it on the "Special Plants" list, which includes over 2,000 species and subspecies. This list includes all state and federal officially designated plants, candidate species, those that meet listing criteria as well as the CA Native Plant Society's *Inventory of Rare and Endangered Plants of CA* and others. The plant is described in *The Jepson Manual of Higher Plants of CA* as occurring in open slopes and moist fields, which the development area does not contain. Therefore, a biological reconnaissance has not been made a condition of project approval.

The propane tank is shown to be located behind (to the north) of the proposed garage, which would limit any visibility of it from offsite. However, it may not be easily accessible in that location. If the propane tank location is moved to a more accessible and visible location, then based on past project approvals, it must be screened to the satisfaction of the City Planner. This has been included as a proposed condition of approval.

Native landscaping proposed around the front yard was previously approved. No fencing is currently proposed.

## **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the project is located within the Coastal Zone and alters the external profile of the previously approved structure, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made as well as approval of a Coastal Development Permit. The applicant submitted revised application materials on December 11, 2006.

Application materials show the proposed changes and provide a rationale for them.

Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

### **Design Review Criteria**

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: No additional grading is required for the proposed modification. A grading plan was required as a condition of the previous approval.
- B. *Structures in or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The northern portion of the property is zoned Special Environment, but the project improvements will be more than 100' away from that area. There are no adjacent open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: Exterior materials and colors will be consistent with other residential development in the area and the previously approved improvements, consisting of hardiplank horizontal siding painted in earth tones, with composition shingle roofing.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: Landscaping with native shrubs and grasses is proposed in the front yard. This will help to soften the visual impact of the development.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No on-premise signs are associated with this project.

- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: Underground utilities from the existing power pole across Berry Road from the development were required as a condition of the previous approval.
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are associated with this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.*
  2. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

The proposed garage is 864 sq. ft., which is not included in the total residence square footage as defined by Zoning Ordinance §17.08.310. The residence, with the proposed sunroom, will be approximately 1,834 sq. ft., less than the 2,000 sq. ft. guideline and less than the 10% floor-to-lot area ratio.

### **View Protection**

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project site is not readily visible from a beach, trail or open space area. The project design is consistent with neighboring residential development. Although the site of the future City Park is not officially zoned open space, it could be considered as such. The previously approved residence is already placed, and visible from that location. The proposed sunroom will also be visible, but does not constitute a significant change from what is already there. The proposed increase in height of the garage might make the structure more visible, but, as stated by the applicant, the purpose of the changes is to improve the aesthetics of the building, which will be consistent with existing development.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: The proposed residence will not block any public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in*



*floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.*  
Response: The proposed residence will not block any private views.

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The proposed project is not within 100 feet of the Trinidad Cemetery, Holy Trinity Church, Memorial Lighthouse or the Tsurai Study Area.

## **STAFF RECOMMENDATION**

Based on the above analysis, and as conditioned below, the proposed project can be found to meet the Design Review / View Protection requirements, as well as other provisions of the City's Municipal Code and General Plan. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on the information submitted in the application included in the staff report and public testimony, I move to adopt the information and findings in this staff report and recommend approval of the project as conditioned below:

## **PLANNING COMMISSION ALTERNATIVES**

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.

- In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
- The Planning Commission should provide a motion that identifies the Finding(s) that can not be made and giving the reasons for the inability to make said Finding(s).

## CONDITIONS OF APPROVAL

1. All the applicable conditions from the previous approval (2005-02) are still required as part of that approval. The only condition that no longer applies is number 9, relating to height limitations. *Responsibility: Building Official to confirm prior to final inspection.*
2. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to revised building permits being issued.*
3. Based on the findings that community values may change in a year's time, design review approval is for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to revised building permits being issued.*
4. Applicant to provide method for City to verify height measurements (such as a reference stake) before and during the roof framing inspection and upon project completion. The addition shall not exceed the maximum height shown on the approved plans (24'-3" as defined by the Trinidad Zoning Ordinance). *Responsibility: Building Official to confirm at time revised building permits are issued and during construction inspections.*
5. The Applicant shall place roof drainage downspouts away from septic system tank and leachfields. *Responsibility: Building Official to confirm at time revised building permits are issued.*
6. If any of the garage / attic space is converted or used for residential purposes, other than storage, Planning Commission approval of the increased square footage shall be required. *Responsibility: Building Official to confirm prior to final inspection and / or to respond if future evidence indicates a conversion.*
7. City Planner approval is required for any change in location of the propane tank from the current site plan. If the propane tank is moved to a more visible location, the City Planner must approve the screening of it. *Responsibility: Building Official to confirm prior to final inspection.*